

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ARTHUR D. HOOVER,

Plaintiff,

vs.

UNITED STATES DISTRICT COURT,

Defendant.

Case No. 2:09-cv-00523-RLH-GWF

**FINDINGS AND  
RECOMMENDATIONS**

On June 17, 2009, the Court issued an Order that granted Plaintiff's application to proceed *in forma pauperis*. (Dkt. #2). However, the Court dismissed Plaintiff's Complaint for failure to state a claim upon which relief can be granted, with leave to amend the complaint. (*Id.*) Furthermore, the Court directed Plaintiff to file his amended complaint by July 17, 2009 and notified Plaintiff that failure to amend his complaint within the established time would result in a recommendation that this action be dismissed with prejudice. (*Id.*) To date, Plaintiff has failed to file his amended complaint within the allotted time period, and the time allowed has expired. Accordingly,


**IT IS HEREBY RECOMMENDED** that Plaintiff's Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 (Dkt. #1) should be **DISMISSED with prejudice** based on Plaintiff's failure to state a claim upon which relief may be granted.

**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1)

1 failure to file objections within the specified time and (2) failure to properly address and brief the  
2 objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues  
3 from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*  
4 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

5 DATED this 29th day of July, 2009.

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8 **GEORGE FOLEY, JR.**  
9 **UNITED STATES MAGISTRATE JUDGE**  
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